

**MINUTES OF THE
POLITICAL SUBDIVISIONS INTERIM COMMITTEE**
Wednesday, May 16, 2007 – 9:00 a.m. – W130 House Building

Members Present:

Sen. Dennis E. Stowell, Senate Chair
Rep. Fred R Hunsaker, House Chair
Sen. Fred J. Fife
Sen. Michael G. Waddoups
Rep. Sheryl L. Allen
Rep. Tim M. Cosgrove
Rep. Bradley M. Daw
Rep. Gage Froerer
Rep. Kerry W. Gibson
Rep. Christopher N. Herrod
Rep. Brad King
Rep. Jennifer M. Seelig
Rep. Scott L Wyatt

Members Absent:

Sen. Sheldon Killpack
Rep. Richard A. Greenwood
Rep. Christine A. Johnson
Rep. Carl Wimmer

Staff Present:

Mr. Joseph Wade, Policy Analyst
Mr. Robert H. Rees, Associate General Counsel
Ms. Wendy L. Bangerter, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Hunsaker called the meeting to order at 9:15 a.m.

MOTION: Corrections to the minutes were noted. Rep. Gibson moved to approve the minutes as corrected. The motion passed unanimously. Rep. Allen and Rep. Cosgrove were absent for the vote.

Mr. Joseph Wade, policy analyst for the Committee, requested the committee members fill out and return a survey regarding the "Bagels and Briefings" program.

Chair Hunsaker announced the appointment of Rep. Greenwood, a new member of the Legislature, to the Committee replacing Rep. Buxton. Chair Hunsaker excused Rep. Greenwood from the meeting.

Mr. Wade reported the actions of the Legislative Management Committee to approve the Special Districts Subcommittee. Chair Hunsaker explained that the request was approved for three meetings and to consist of five members. The first meeting of the Subcommittee was scheduled for Thursday, June 21, 2007 at 1:00 p.m.

2. Quality Growth Commission

Mr. John Bennett, GOPB (Governor's Office of Planning and Budget), introduced Lorraine Swenson, Logan City Council and representing municipalities, and Mr. Flint Richards, Farm Bureau. Mr. Richards gave an overview and powerpoint presentation of the purposes and activities of the Quality Growth Commission. He distributed and referred to a presentation about the Quality Growth Commission and a chart reviewing the 10th funding cycle of the LeRay McAllister Critical Land Conservation Fund. Mr. Bennett noted the availability of online information and tools for planning as well. He expressed his desire to see incentives given for good community planning and training for citizen planners.

Mr. Bennett requested long-term support from the Legislature. He indicated they need \$500,000 in ongoing funding in order to accomplish the project goals. They will also utilize raising funds in the community.

3. Local Referenda

Rep. Scott L Wyatt introduced the issue of local referenda. He reviewed discrepancies in the law and areas needing clarification.

The Committee reviewed those areas of the law.

Ms. Nancy Lord, Bluffdale City Council, spoke in favor of Rep. Wyatt's recommendation for study. She stated there were additional issues that should be addressed in the study as well.

Mr. David Hogue, citizen, also spoke in favor of clarifying areas of the constitution and in the process of submitting a referendum. He expressed his concern for the citizen's rights in reference to referendums.

Ms. Claudia Anderson, Mayor, Bluffdale City, asked clarifying questions.

Ms. Jodi Hoffman, Utah League of Cities and Towns, offered the League's services to Rep. Wyatt in his efforts.

The Committee was in agreement that Rep. Wyatt should pursue this issue. Rep. Wyatt asked for volunteers from the Committee and audience to participate in a working group.

4. Public Water Protection

Rep. Sylvia S. Andersen, assisted by Mr. Paul Ashton, White City Water Improvement District, addressed the issue of whether to require counties and municipalities to adopt an ordinance protecting its public drinking water sources. She referred to 2007 General Session draft legislation, "Safe Drinking Water Amendments." She explained that the bill is designed to bring all communities into compliance for safe drinking water.

Mr. Fred Finlinson, chairman of Utah Water Coalition, gave a history of the mandated federal Safe Drinking Water Act, changes to the community water agreements, and protection plans. He noted that this approach is a good pattern for cities and towns to follow.

Mr. Randy Williams, Salt Lake County Health Department, commented that Salt Lake County has drafted an ordinance. He spoke in favor of this type of legislation.

The Committee spoke in favor of Rep. Anderson's pursuit of this issue.

5. Appointment and Removal of Certain Officials

Rep. Christopher N. Herrod introduced the issue of whether or not to require the advice and consent of the municipal council or legislative body with respect to the removal of department heads, officers, and employees, commissions, boards, committees, and planning commission members. He referred to 2007 General Session H.B. 457, "Municipal Amendments." He voiced the need to determine which positions should be up to the mayor's discretion and which ones should have city council input.

Mr. Todd Starley, former city council member of Syracuse City, expressed the concerns he had when dismissals were necessary and the decision was mainly the mayor's to make. He stated how city council members relied on the knowledge and input from the planning commission members. He also expressed concern that the city council members did not have input into the dismissal of planning commission members either.

Mr. Lincoln Shurtz, Utah League of Cities and Towns, expressed concern for how requiring the advice and consent of the municipal council or legislative body would work using the different forms of government. He requested that the Local Issues Task Force include this question in their studies.

Mayor Anderson of Bluffdale spoke in favor of a city mayor retaining the power to dismiss employees and department heads and utilize the city council for approval of appointees.

Mr. Hogue addressed additional conflicting points in the code. He also expressed support for the task force to study this issue.

Ms. Lord, addressed Utah Code Annotated, Section 10-3-809. She stated that if the code is a mandated list, it is conflicting. She agreed that the task force should address this issue.

Staff was asked to provide copies of Bluffdale's court case to committee members.

6. Eminent Domain Remedies

Rep. Roger Barrus introduced the issue of severance damages to property remaining after a portion is taken by eminent domain but no structure is built on the taken property. He referred to 2007 General Session H.B. 187, "Eminent Domain Amendments."

Committee discussion followed. The Committee encouraged further pursuit of this issue.

Mr. Carl Besaros, UDOT (Utah Department of Transportation), commented that the ramifications of the bill are far reaching.

Mr. Gary Crane, Layton City and Utah League of Cities and Towns, expressed interest in providing the league's perspective at a future meeting when there is more time.

7. Public Land Sales

Rep. Neil A. Hansen addressed the issue of whether to require voter approval if a municipality intends to dispose of a parcel of real property with a value of \$1,000,000 or more as stated in 2007 General Session H.B. 109 "Municipal voting Requirement for Sale of Public Land." He posed the questions: Where should the benchmark be and should the city council be a check and balance for the sale with the mayor? He stated that the public should have the right to protect their public property by some means of check and balance.

Mr. Lynn Pace, Office of the Salt Lake City Attorney, expressed concern that presenting the question of the sale of property at the ballot box does not work. Their research indicates that public property dedicated to public use should require an abandonment of the dedication to remove it from public use before selling it. Real property not dedicated to public use can be sold by the executive office without public approval.

Ms. Hoffman noted that the question is not the monetary value of the property. She cautioned against this proposal because the check and balance is already in statute for city councils to hold public meetings where they can receive public comment.

8. Other Items / Adjourn

MOTION: Rep. Allen moved to adjourn the meeting. The motion passed unanimously. Rep. Daw and Rep. King were absent for the vote.

Chair Hunsaker adjourned the meeting at 12:03 p.m.